

The Gazette



of India

EXTRAORDINARY
PUBLISHED BY AUTHORITY

GAZ. 5137
16-11-48

NEW DELHI, TUESDAY, AUGUST 31, 1948

PART IV

Acts of the Dominion Legislature assented to by the Governor General

16028

1849

GOVERNMENT OF INDIA
MINISTRY OF LAW

New Delhi, the 31st August, 1948

The following Acts of the Dominion Legislature received the assent of the Governor General on the 31st August 1948 and are hereby published for general information:—

Act No. XXXV of 1948

An Act to enable companies to make donations to the Gandhi National Memorial Fund.

WHEREAS it is expedient to make provision for enabling companies to make donations to the Gandhi National Memorial Fund;

It is hereby enacted as follows:—

1. **Short title and extent.**—(1) This Act may be called the Gandhi National Memorial Fund Donations (Companies) Act, 1948.

(2) It extends to all the Provinces of India.

2. **Power of companies to make donations to the Fund.**—Any company, as defined in clause (2) of sub-section (1) of section 2 of the Indian Companies Act, 1913 (VII of 1913), may, notwithstanding anything contained in that Act, and notwithstanding that the Memorandum of Association or the Articles of Association of a Company do not enable it so to do, by special resolution authorise the making of a donation from the Company's assets to the Fund known as the Gandhi National Memorial Fund and administered by the President of the Indian National Congress.

Act No. XXXVI of 1948

An Act to amend the constitutions of the Port Trusts of the major ports of Bombay, Calcutta and Madras.

WHEREAS it is expedient to amend the constitutions of the Port Trusts relating to the administration of the major ports of Bombay, Calcutta and Madras;

It is hereby enacted as follows:—

1. **Short title and commencement.**—(1) This Act may be called the Bombay, Calcutta and Madras Port Trusts (Constitution) (Amendment) Act, 1948.

(2) It shall come into force on such date as the Central Government may, by notification in the official Gazette, appoint.

2. Amendment of certain enactments.—The enactments mentioned in the Schedule are hereby amended to the extent and in the manner mentioned in the fourth column thereof.

3. Transition from existing constitution to new constitution.—The appointments and elections to be made or held under any of the enactments mentioned in the Schedule, as amended hereby, may be made or held at any time after the passing of this Act and before this Act comes into force, but the Trustees or Commissioners, as the case may be, so appointed and elected shall not assume office until this Act comes into force, and on the coming into force of this Act the term of office of the Trustees or Commissioners, as the case may be, then holding office, shall expire.

SCHEDULE

(See section 2)

Year	Number	Short title	Amendments
1	2	3	4
1879	Bom. VI	The Bombay Port Trust Act, 1879.	<p>For section 5, the following section shall be substituted, namely:—</p> <p><i>“ 5. Constitution of the Board.—(1) The Board shall consist of twenty-five members, that is to say, of fourteen elective Trustees, ten nominee Trustees and a Chairman.</i></p> <p><i>(2) The ten nominee trustees shall be the</i></p> <p><i>(a) two representatives of the Defence Services, chosen by the Central Government, one of whom shall be a representative of the Royal Indian Navy in Bombay;</i></p> <p><i>(b) two representatives of labour chosen by the Central Government after consultation with the registered trade unions, if any, composed of persons employed in the port;</i></p> <p><i>(c) one representative of the Mercantile Marine Department, Bombay, chosen by the Central Government;</i></p> <p><i>(d) the Collector of Customs, Bombay, ex officio</i></p> <p><i>(e) the General Manager, Great Indian Peninsula Railway, ex officio;</i></p> <p><i>(f) the General Manager, Bombay, Baroda and Central India Railway, ex officio;</i></p> <p><i>(g) one representative chosen by the Provincial Government; and</i></p> <p><i>(h) the Municipal Commissioner for the City of Bombay, ex officio.”</i></p> <p>For sub-section (1) of section 6, the following shall be substituted, namely:—</p> <p><i>“ (1) Of the thirteen elective Trustees, two shall be elected by the Municipal Corporation of the City of Bombay and the remaining by such provincial or local body representing commercial interests as the Central Government may, from time to time, by notification in the official Gazette, specify, and such notification may also specify the number of Trustees that each of such bodies may elect.”</i></p>

Year	Number	Short title	Amendments
1	2	3	4
1890	Ben. III	The Calcutta Port Act, 1890.	<p>For section 5, the following shall be substituted, namely :—</p> <p>“ 5. <i>Constitution of Commissioners.</i>—There shall be twenty-four Commissioners, that is to say—</p> <ul style="list-style-type: none"> (i) the Chairman, <i>ex officio</i> ; (ii) the Deputy Chairman, <i>ex officio</i> (iii) the Collector of Customs, Calcutta, <i>ex officio</i> ; (iv) the Chief Executive Officer of the Municipal Corporation for the City of Calcutta, <i>ex officio</i> ; (v) the General Manager, East Indian Railway <i>ex officio</i> ; (vi) the General Manager, Bengal Nagpur Railway <i>ex officio</i> ; (vii) one representative of the Mercantile Marine Department chosen by the Central Government ; (viii) one representative of the Defence Services chosen by the Central Government ; (ix) one representative of the Provincial Government chosen by the Provincial Government ; (x) two representatives of labour chosen by the Central Government after consultation with the registered trade unions, if any, composed of persons employed in the Port ; and (xi) thirteen elected Commissioners.” <p>For sub-section (I) of section 6, the following shall be substituted, namely :—</p> <p>“(I) Of the thirteen elected Commissioners one shall be elected by the Municipal Corporation of the City of Calcutta, one shall be elected by the Howrah Municipality and the remaining by such provincial or local bodies representing commercial interests as the Central Government may, from time to time, by notification in the official Gazette, specify, and such notification may also specify the number of Commissioners that each of such bodies may elect.”</p>
1905	Mad. II	The Madras Port Trust Act, 1905.	<p>In section 7, for the word “ eighteen ” the word “ twenty-one ” shall be substituted.</p> <p>For section 8, the following shall be substituted, namely :—</p> <p>“ 8. <i>Appointment of Trustees.</i>—(1) The chairman shall be appointed by the Central Government. The remaining trustees shall be as follows :—</p> <ul style="list-style-type: none"> (a) the Collector of Customs, Madras, <i>ex officio</i> (b) the Municipal Commissioner for the City of Madras, <i>ex officio</i> ; (c) the General Manager, Madras and Southern Mahratta Railway, <i>ex officio</i> ; (d) the General Manager, South Indian Railway, <i>ex officio</i> ; (e) one representative of the Mercantile Marine Department chosen by the Central Government ; (f) one representative of the Defence Services chosen by the Central Government ; (g) one representative of the Provincial Government chosen by the Provincial Government ;

Year	Number	Short title	Amendments
1	2	3	4

(h) two representatives of labour chosen by the Central Government after consultation with the registered trade unions, if any, composed of persons employed in the port ; and

(i) eleven elected trustees.

(2) Of the eleven elected trustees, one shall be elected by the Municipal Corporation of the City of Madras and the remaining by such provincial or local bodies representing commercial interests as the Central Government may, from time to time, by notification in the official Gazette, specify, and such notification may also specify the number of trustees that each of such bodies may elect.

(3) The result of any election held in pursuance of sub-section (2) shall be communicated forthwith to the Central Government by the chief executive authority of the Municipal Corporation or the body concerned."

K. V. K. SUNDARAM,

Secy. to the Govt. of India.